

DISCUSSION OF THE CLAIMS

Claims 1-2 and 5-14 are active in the present application. Independent Claim 1 has been amended in the formula. Support for the amendment is found in original Claim 1. Claim 1 has further been amended to recite a value of “p” that is 2. Claims 3 and 4 are canceled claims. The active dependent claims have been amended in accordance with the amendment to Claim 1.

No new matter is added.

REMARKS

Applicants submit the amendment to Claim 1 to correct a typographical error obviates the rejection of the claims as anticipated over Takami (U.S. 7,217,722).¹ Applicants request withdrawal of the rejection under 35 U.S.C. §102(b).

The Examiner also rejected the claims as obvious over Takami. The Office provided citations to Takami by referencing page numbers, e.g., pages 310-314. Applicants note that Takami is a U.S. patent that does not have any page numbers and having only has 266 columns. The Office's citation to certain pages of the Takami patent is therefore not understandable. Applicants request clarification.

Irrespective of the lack of clarity in the Office Action, it appears that the Office has taken the position that it would be obvious to modify the compounds of the Takami patent by substituting certain species for those radical species of the compounds of Takami. Applicants traverse the Office's assertion and point out that the compounds encompassed by the present claims provide significantly superior Rho kinase inhibitory activity in comparison to their generic counterparts. Applicants draw the Office's attention to the table below.

¹ Applicants do not admit that Takami is prior art to the present application. Applicants cite to Takami only for the purposes of conforming with the Examiner's citation to Takami in place of WO 01/56988.

Q	p=2		p=3	
	Example No.	IC ₅₀ (μM)	Example No.	IC ₅₀ (μM)
2-Cl-Phenyl	1	0.099	20	0.21
3-Cl-Phenyl	2	0.063	21	0.27
4-Cl-Phenyl	3	0.066	22	0.19
4-F-Phenyl	4	0.093	297*	0.13#
2,6-diF-Phenyl	5	0.073	24	0.23
2,6-diCl-Phenyl	6	0.14	25	1.2
4-Me-Phenyl	7	0.096	26	0.18
4-iPr-Phenyl	8	0.20	27	0.53
2-NO ₂ -Phenyl	9	0.57	28	0.58
3-NO ₂ -Phenyl	10	0.20	29	1.9
4-NO ₂ -Phenyl	11	0.66	30	1.8
2-NO ₂ 4-Cl-Phenyl	12	1.3	31	2.3
2-Pyridyl	13	0.48	32	1.3
3-Pyridyl	14	0.59	33	1.0
4-Pyridyl	15	1.1	34	1.5
2-NH ₂ -Phenyl	16	0.21	35	0.27
3-NH ₂ -Phenyl	17	0.28	36	0.31
4-NH ₂ -Phenyl	18	0.23	37	0.29
2-NH ₂ , 4-Cl-Phenyl	19	0.24	38	0.40

*: Example 297 of WO 01/56988

#: Evaluated for Rho kinase inhibitory activity in accordance with the same procedure of Pharmacological Test Example 1.

The data of the table above is a summary of the data provided in the examples and pharmacological examples of the present application and WO 01/56988. For example, the Rho kinase inhibitory activity of various examples of the present specification is tabulated in paragraph [0316] of the PG publication corresponding with the present application (i.e., US 2006/0167043).

As is evident from the table above, a substantially lower concentration (e.g., in terms of IC₅₀ (μM)) of the compound of formula (I) where p=2 is required in order to achieve Rho kinase inhibition in comparison to the compound of formula (I) when p=3. Generally, the Rho kinase inhibitory activity of the compound of present Claim 1 is about twice that of compounds wherein p=3 in Formula (I) of Claim 1. The Rho kinase inhibitory activity for the compounds of formula (I) of present Claim 1 (i.e., where p=2) is substantially superior to the

compounds such as the compounds of Takami (i.e., compound 297 of Takami) and compounds in which p of formula (I) is 3.

The table above provides the Rho kinase inhibitory activity properties for Example No. 297 of Takami where $p=3$. Applicants provide this information for illustrative purposes only. Applicants submit the other data of the table above is sufficient to demonstrate the non-obviousness of the presently claimed invention irrespective of any reference to the compound of Example No. 297 of Takami.

Arguendo, if the Office's assertion of obviousness were correct, one of ordinary skill in the art would expect that equivalent Rho kinase inhibitory activity would be observed for all of the allegedly obvious variants of the compound of formula (I). The data of the original specification show that this is not, in fact, the case and only when $p=2$ in the formula (I) of Claim 1 is it possible to obtain substantially improved Rho kinase inhibitory activity. Nothing in art cited by the Office would allow one of skill in the art to foresee such improvement in Rho kinase inhibitory activity related to the alleged variants of the Takami disclosure.

Applicants thus submit that the original specification includes data rebutting any assertion of obviousness set forth by the Office. Further, the data of the original specification prove that substantially superior Rho kinase inhibitory activity is obtained only with a certain compound and not generically across all of the compounds alleged disclosed and/or suggested by Takami.

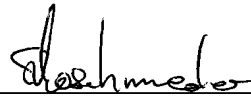
For the reasons discussed above in detail, Applicants request withdrawal of the rejection and the allowance of all now-pending claims.

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